

CITY OF LEWISTON

CITY COUNCIL

MARCH 21, 2000

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

COUNCIL PRESIDENT JOYCE A. BILODEAU, PRESIDING.

PRESENT: Councilors Gousse, Bernier, Carignan, Jean, Samson, Adams, City Administrator Robert J. Mulready, Student Representative Karen Gagnon and City Clerk Kathleen Montejo. Mayor Tara was absent.

Pledge of Allegiance to the Flag.

Moment of Silence.

Council President Bilodeau noted this was the final Council meeting for City Administrator Bob Mulready due to his retirement on March 31. Councilor Bilodeau thanked Mr. Mulready for his ten years of service to the City and noted his leadership and excellent business development skills will be missed. On behalf of the Council, she wished him well in his new endeavors, and then presented Mr. Mulready with a plaque.

VOTE (1)

Motion by Councilor Carignan, seconded by Councilor Jean:

To dispense with the reading of the minutes of the February 15 and 22, 2000, meetings and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

Report from Student Representatives to City Council

Student Representative Karen Gagnon reported on the results of the L/A Youth Summit and noted the two main issues discussed were transportation and the student curfew.

LEASE OF LINCOLN STREET FIRE STATION

VOTE (2)

Motion by Councilor Carignan, seconded by Councilor Jean:

To authorize a two year lease agreement with Maine State Police for use of the garage bay at the Lincoln Street Fire Station to store their Mobile Crime Lab Unit.
Passed - Vote 7-0

**LAND USE CODE AMENDMENTS REGARDING LOT LAYOUT
AND CONFIGURATION**

VOTE (3)

Motion by Councilor Bilodeau, seconded by Councilor Jean:

That the proposed amendment to Article V, "Administration and Enforcement", Section 3, General Provisions and Article XIII, "Development Review and Standards", Section 4 Approval Criteria of the City Zoning and Land Use Code, concerning lot layout and configuration, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of April 4, 2000 for final passage.

Passed - Vote 7-0

RESOLUTION REGARDING PILSBURY BLOCK

VOTE (4)

Motion by Councilor Carignan, seconded by Councilor Adams:

BE IT RESOLVED, by the Inhabitants of the City of Lewiston as follows:

- 1) That the City, acting through its City Council, expresses its present intention to exercise the option to acquire the remaining portion of the Pilsbury Block, adjacent to the Public Library; and
- 2) That the City Council hereby ratifies the letter dated March 2, 2000, sent by the City Administrator to Pilsbury Associations; and
- 3) That the City Council requests that, at their earliest opportunity, the Land Committee and the Planning Board present to the Council their recommendations regarding the acquisition of said real estate; and
- 4) That the Finance Director be and hereby is authorized to make, execute, and deliver such documents and instruments, or take such other actions as he, in his sole and complete discretion, deems necessary or convenient to preserve the options held by the City with respect to said real estate. Passed - Vote 7-0

MARCO'S RESTAURANT LIQUOR LICENSE

VOTE (5)

Motion by Councilor Carignan, seconded by Councilor Jean:

To authorize the City Clerk's Office to approve the liquor license application for Marco's Restaurant, 177 Lisbon Street. Passed - Vote 7-0

HEARINGS ON APPEALS FOR TAXI DRIVER LICENSES

The Police Chief addressed the Council regarding this issue. He provided background information regarding Mr. LePage and stated the Police Department needed to deny this application based upon the criteria in the City Code. Mr. LePage then addressed the Council and stated that he was found guilty of allowing a person without a driver's license to drive his private vehicle. He stated he understands that per the City Code, since this is an offense punishable by time in jail, that he was denied his taxi license. Mr. LePage noted that he did not have to spend any time in jail and just needed to pay a fine and felt this offense should not be held against him. He noted he has been driving a taxi cab for several years and has never encountered any problems.

VOTE (6)

Motion by Councilor Carignan, seconded by Councilor Gousse:

To grant Mr. LePage's request for an appeal and to issue his taxi driver's permit.

Passed - Vote 7-0

The Police Chief addressed the Council regarding Mr. Crosby's application. He stated the Police Department suggested a denial of his application due to his past record. Mr. Crosby was arrested for domestic violence yet was convicted of disorderly conduct. Mr. Crosby stated he is aware that his past actions were wrong and that he is currently on probation and is in counseling regarding these issues. The Council stated they do not take the issue of domestic violence lightly, yet do not want to deny Mr. Crosby the opportunity to work to support his family. Daniel Leonas, the owner of the taxi company that Mr. Crosby works for, stated that he has been an excellent employee and they have not had any trouble with Mr. Crosby as an employee.

VOTE (7)

Motion by Councilor Carignan, seconded by Councilor Jean:

To grant Mr. Crosby's request for an appeal and to issue this permit with the conditional requirement that Mr. Crosby continue to comply with the conditions of his current probation, and should he fail to comply with the terms of this probation, he will forfeit the permit immediately. Passed - Vote 6-1 (Councilor Samson opposed.)

AMENDMENT TO TRAFFIC SCHEDULE**VOTE (8)**

Motion by Councilor Jean, seconded by Councilor Carignan:

To amend the Traffic Schedule as follows:

Section 46
Truck Weights Regulated

COTTON ROAD

Ferry Road to Lisbon Town Line (gross vehicle weight over 26,000 pounds)

Passed - Vote 7-0

PRESENTATION OF LIBERTY FESTIVAL

Nick Knowlton, president of Liberty Festival 2000, addressed the Council regarding the committee's plans for the July 4 Celebration. He noted this will be a three day event with a concert on Sunday night, patriotic events in Kennedy Park on Monday and major events with fireworks on Tuesday. Mr. Knowlton also asked the Councilors to contribute items to the two time capsules that will be buried during the Festival - one to be opened in twenty years and the other to be opened in one hundred years.

VOTE (9)

Motion by Councilor Bilodeau, seconded by Councilor Gousse:

To authorize the Independence Day Committee, Inc. to use Kennedy Park for July 3, 2000, for Liberty Festival 2000, subject to the following conditions:

1. Area to be kept properly cleaned by Independence Day Committee, Inc.
2. Security, satisfactory to the Police Chief, to be provided at the expense of Independence Day Committee, Inc.
3. Appropriate insurance and fire safety certificates, if applicable
4. Compliance with City ordinances and policies.

Passed - Vote 7-0

BUDGET WORKSHOP SCHEDULE

The Council reviewed the proposed schedule for upcoming budget workshops. It was decided to stay with the proposed schedule of holding workshops on Tuesday and Thursday evenings during April. If Councilors are unable to attend a workshop, they can meet with city staff to receive an update for that department budget.

CITY ADMINISTRATOR POSITION**VOTE (10)**

Motion by Councilor Carginan, seconded by Councilor Adams:

To appoint Phil Nadeau as Acting City Administrator for an undetermined period of time and to have the duties carried out by Mr. Nadeau and Finance Director Richard Metivier, as outlined in the proposal submitted in executive session. Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (11)

Motion by Councilor Jean, seconded by Councilor Carignan:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5826(6) the City Council hereby acknowledges and approves of the transfer of \$3118.00, or any portion thereof, in the case of State of Maine vs. Sylvia Lane, Superior Court Docket Number CR-99-645. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program', funds to be deposited in Account No. 590-3514050 at People's Heritage Bank.
Passed - Vote 7-0

SPECIAL AMUSEMENT PERMITS

VOTE (12)

Motion by Councilor Jean, seconded by Councilor Carignan:

To grant Special Amusement Permits for Dancing and Entertainment to the Carlton Club, 25 Sabattus Street, Centreville Social Club, 413 Lisbon Street, Del's Bar and Grill, 43 Walnut Street and Club Heaven, 16-18 Park Street. Passed - Vote 7-0

RESOLUTION REGARDING NUCLEAR WEAPONS ABOLITION TREATY

Councilor Carignan stated he asked to have this item placed on the Council agenda at the request of a constituent. Several Councilors stated they support the Resolution and the message it sends, while others questioned the impact such a Resolution would have. Some Councilors suggested this should be a workshop discussion item so additional information can be gathered on this issue.

VOTE (13)

Motion by Councilor Carignan, seconded by Councilor Bernier:

- Whereas, nuclear weapons pose a continuing threat to civilization, the human species, and life itself; and
- Whereas, municipalities have been targets of nuclear weapons throughout the nuclear age; and
- Whereas, nuclear arsenals have cost an average U.S. household \$800.00 per year for the last 50 years (a total of \$5.8 trillion) and these resources are needed for supporting the well-being of our citizens; and
- Whereas, the spread of nuclear weapons, possibly even to terrorists is nearly inevitable unless they are abolished everywhere;

Now Therefore Be It Resolved that the City Council of the City of Lewiston, Maine, Hereby calls upon the governments of all nuclear weapons states to secure a Nuclear Weapons Abolition Treaty which sets a timetable for the elimination of nuclear weapons in the early years of the new Millennium, and

Be It Further Resolved that the City Council shall send copies of this Resolution to the President, members of the Maine Congressional delegation and our local state senators.

Motion Failed - Vote 3-3-1 (Councilors Gousse, Carignan and Adams in favor; Councilors Samson, Bilodeau and Jean opposed; Councilor Bernier abstaining.)

REQUEST TO HANG BANNER

VOTE (14)

Motion by Councilor Jean, seconded by Councilor Carignan:

To authorize the Sisters of Charity Health System to hang a banner at the Lewiston pump station from June 18 - July 1 to promote the Independence Pops concern. The banner must be installed per requirements of the Public Works Department. Passed - Vote 7-0

REQUEST TO USE KENNEDY PARK

VOTE (15)

Motion by Councilor Jean, seconded by Councilor Carignan:

To authorize the Gospel Tent Ministries/Jesus 2000 committee to use Kennedy Park from June 5-12, 2000, for Gospel Tent Meetings, subject to the following conditions:

1. Area to be kept properly cleaned by Gospel Tent Ministries/Jesus 2000 committee.
2. Security, satisfactory to the Police Chief, to be provided at the expense of Gospel Tent Ministries/Jesus 2000 committee.
3. Appropriate insurance and fire safety certificates.
4. Compliance with City ordinances and policies.

Passed - Vote 7-0

LEGISLATIVE UPDATE

Assistant City Administrator Phil Nadeau stated the MMA LPC reviewed the Governor's proposal to purchase laptop computers for all seventh grade students in the state, and have taken a position that the funds would be more effective if spent on school construction issues instead of the computer purchase. He noted the group is also tracking the urban sprawl bills and the Revenue Sharing II bills regarding additional funding options. Locally, the city is watching bills for funding railroad line improvements as well as potential GPA adjustments.

REPORT FROM SCHOOL COMMITTEE

Councilor Samson reported the School Department is working with a professor from USM who has reviewed the school's math program and has found the curriculum to be excellent.

OTHER BUSINESS

Councilor Gousse stated he will be holding a "ward meeting" for residents in Ward One to ask questions regarding upcoming city issues and to discuss general constituent concerns. It was noted that other Councilors are welcome to do the same and if interested, should contact Administration for assistance with publicity for the meetings.

VOTE (16)

Motion by Councilor Bilodeau, second by Councilor Carignan:

To enter into executive session to discuss real estate negotiations and economic development - the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Council entered the executive session at 9:00pm and exited the session at 9:45pm.

OTHER BUSINESS

Councilor Bilodeau asked if there were any issues regarding Other Business that needed to be addressed by members of the public.

Mr. Bilodeau, Cotton Road, inquired about the application fee for the Mayor's passport. The Finance Director stated this was paid by the City due to city-related travel needs. Mr. Bilodeau also asked about the Mayor's use of the city's credit card in the past and what steps have been taken to address such use. It was noted this issue will be the first item of discussion during the May 9 Council workshop and the City Administrator is preparing a policy regarding procedures for the use of the city credit card.

Michael Marcotte echoed Mr. Bilodeau's comments.

VOTE (17)

Motion by Councilor Bilodeau, second by Councilor Samson:

To adjourn at 10:05 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine